

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1056 of 1993

&

First Appeal No.1361 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA and

MR.JUSTICE S.D.PANDIT

=====

MUNICIPAL CORPORATION OF THE CITY OF AHMEDABAD

Versus

STATE BANK OF HYDERABAD

Appearance:

MR SK JHAVERI for Petitioner

SERVED BY AFFIXING for Respondent No. 1

CORAM : MR.JUSTICE N.J.PANDYA and

MR.JUSTICE S.D.PANDIT

Date of decision: 09/09/96

ORAL JUDGEMENT (N.J.Pandya,J)

The appellant-Municipal Corporation proceeded to assess the annual letting value on the basis of the actual rent received by the landlord-respondent. This assessment was challenged by the respondent by way of Municipal Valuation Appeal No.5906 of 1990 in one and in the other 26942 of 1991. This controversy is set at rest by a Division Bench decision of this Court reported in 35(2) GLR 1498. On and after 1-4-1984, the annual letting value is to be fixed on the basis of the rent actually received by the landlord. That is exactly what the appellant Corporation had done.

2. This matter was carried in appeal before the Honourable the Supreme Court and there also, except for making a change that a tenant can file an appeal, the

said judgment of this Court has been confirmed. The Judgment of the Supreme Court is reported in 36(2) GLR 1189.

3. Under the circumstances, these appeals are to be allowed. They are accordingly allowed with no order as to costs. The Orders of the First Appellate Court in the said Municipal Valuation Appeals are set aside and the value fixed by the Municipal Corporation is restored.
